SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, October 16, 2012
9:00 A.M.

BOARD RECONVENCED

Supervisors: McQuiston, Scrivner, Maggard, Watson, Goh
ROLL CALL: All Present

SALUTE TO FLAG - Led by Jackie Denney, Treasurer-Tax Collector

NOTE: The vote is displayed in bold below each item. For example, McQuiston-Watson denotes Supervisor McQuiston made the motion and Supervisor Watson seconded the motion

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH A "CA" OR "C" WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

1) Proclaim October 21 - 27, 2012 as Save for Retirement Week in Kern County - PROCLAIMED; MADE PRESENTATION TO JACKIE DENNEY, TREASURER-TAX COLLECTOR; JACKIE DENNEY HEARD
Watson-Maggard: All Ayes

PUBLIC REQUESTS

2) Request from Jerry Hillier, Quad State Local Governments Authority to make a presentation to Supervisor Jon McQuiston acknowledging his service on the Board of Directors of the Authority - HEARD PRESENTATION BY JERRY HILLIER; SUPERVISOR JON MCQUISTON HEARD

Note: Members of the Board of Supervisors may have an interest in certain contracts that the Board considers where the member holds a position on a non-profit corporation that supports the functions of the County. Supervisors are assigned to these positions as part of annual committee assignments by the Chairman of the Board. These interests include, with the Supervisor holding the position, the following: California State Association of Counties (Supervisors McQuiston and Maggard); Community Action Partnership of Kern (Supervisor Maggard); Kern County Network for Children (Supervisor Goh); Kern Economic Development Corporation (Supervisors Maggard, Watson, and Scrivner); Southern California Water Committee (Supervisors Watson and Maggard); and Tobacco Funding Corporation, Kern County (Supervisors Maggard and Scrivner).
PUBLIC PRESENTATIONS

3) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE AND SPELL YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!

NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

4) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a])

NO ONE HEARD

DEPARTMENTAL REQUESTS

AUDITOR-CONTROLLER-COUNTY CLERK

CA-5) Board of Retirement appointment in-lieu of Election November 20, 2012 (Fiscal Impact: None) - APPOINTED RICK KRATT AS BOARD OF RETIREMENT SAFETY POSITION

Watson-McQuiston: All Ayes

CLERK OF THE BOARD

CA-6) Amended Conflict of Interest Code for Board of Trade (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

CA-7) Amended Conflict of Interest Code for Kern Medical Center (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

CA-8) Amended Conflict of Interest Code for Department of Human Services (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

CA-9) Amended Conflict of Interest Code for Public Defender’s Office (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

CA-10) Amended Conflict of Interest Code for Waste Management Department (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

CA-11) Amended Conflict of Interest Code for South Kern Cemetery District (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes
CA-12) Amended Conflict of Interest Code for Tehachapi Unified School District (Fiscal Impact: None) - APPROVED

Watson-McQuiston: All Ayes

EMPLOYERS' TRAINING RESOURCE

13) Proposed addition of one (1) Graphic Artist position, effective October 16, 2012 (Fiscal Impact: $45,557; Federal Funding; Not Budgeted; Discretionary) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Maggard-McQuiston: All Ayes

FIRE DEPARTMENT

CA-14) Request approval of mid-year capital asset acquisition of one document copier, in an amount not to exceed $7,000 (Fiscal Impact: $7,000; Fire Fund; Not Budgeted; Discretionary) - APPROVED

Watson-McQuiston: All Ayes

HUMAN SERVICES

15) Request to acknowledge 10th Annual "Independent City" and in-kind donation from IKEA to Kern Partnership for children and families for the 110 Life Kits, valued at $16,782 (Fiscal Impact: None) - ANTANETTE REED, ASSISTANT DIRECTOR FOR CHILD PROTECTIVE SERVICES, DEPARTMENT OF HUMAN SERVICES, INTRODUCED IKEA REPRESENTATIVES ARLENE FINLAYSON, JOSE ESTRADA AND HEATHER BOWMAN, AND ACKNOWLEDGED INDEPENDENT CITY COMMITTEE MEMBERS PRESENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN LETTER OF APPRECIATION

Goh-Watson: All Ayes

SHERIFF

16) Request authorization for Sheriff's Office to participate in the Muscular Dystrophy Association (MDA) Lock-up Fundraiser on October 18, 2012, in an amount not to exceed $50 (Fiscal Impact: $50; Not Budgeted; Discretionary) - APPROVED WITH DIRECTION TO COUNTY COUNSEL TO CONTINUE EFFORTS IN SECURING PROPER LANGUAGE ON CERTIFICATE OF ADDITIONAL INSURED ENDORSEMENT

Watson-Maggard: All Ayes

CA-17) Request authorization for Sheriff's Office to sell duty weapons valued at less than $500 each (Fiscal Impact: $500 Revenue; Not Budgeted; Discretionary) - MADE FINDING THAT WEAPONS LISTED ARE VALUED AT LESS THAN $500 EACH; AUTHORIZED SALE

Watson-McQuiston: All Ayes

CA-18) Application to hold a parade - Operation Soulwinner - Toy & Food Drive - Show & Shine on December 15, 2012 in Bakersfield (Fiscal Impact: None) - FOUND THAT SHERIFF HAS NOTED HIS APPROVAL ON PERMIT AND THAT EVENT WILL NOT RESULT IN UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON HIGHWAY WHERE IT IS TO BE HELD; DOES NOT LEAD TO BREACH

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OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; DOES NOT CONFLICT WITH OTHER EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE EVENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-McQuiston: All Ayes

CA-19) Application to hold a parade - North of the River Recreation and Park District - Christmas Parade on December 15, 2012 in Bakersfield (Fiscal Impact: None) - FOUND THAT SHERIFF HAS NOTED HIS APPROVAL ON PERMIT AND THAT EVENT WILL NOT RESULT IN UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON HIGHWAY WHERE IT IS TO BE HELD; DOES NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; DOES NOT CONFLICT WITH OTHER EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE EVENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-McQuiston: All Ayes

CA-20) Application to hold bicycle races - Kern Wheelman Bicycle Club - on November 17, 2012 and November 18, 2012 in Bakersfield (Fiscal Impact: None) - FOUND THAT SHERIFF HAS NOTED HIS APPROVAL ON PERMIT AND THAT EVENT WILL NOT RESULT IN UNDUE OR UNMANAGEABLE OBSTRUCTION OR HINDRANCE OF TRAFFIC ON HIGHWAY WHERE IT IS TO BE HELD; DOES NOT LEAD TO BREACH OF THE PEACE, PROPERTY DAMAGE, OR OTHER DISORDERLY OR UNLAWFUL CONDUCT; DOES NOT CONFLICT WITH OTHER EVENTS PREVIOUSLY GRANTED PERMITS, AND THAT SHERIFF HAS FACILITIES TO PROPERLY SUPERVISE EVENT; APPROVED; AUTHORIZED CHAIRMAN TO SIGN

Watson-McQuiston: All Ayes

ADJOURNED TO CLOSED SESSION

Watson

CLOSED SESSION

(If public reporting is required by Government Code Section 54957.1 relating to the following matter(s), the public reporting of any action taken in closed session will be made at the beginning of the next session of the Board of Supervisors.)

COUNTY ADMINISTRATIVE OFFICE

21) Request for Closed Session regarding conference with designated labor negotiators, Assistant County Administrative Officer, Elissa D. Ladd, and designated staff - Employee organizations: Committee of Interns and Residents, Kern County Detention Officers’ Association, Kern County Fire Fighters Union, Kern Law Enforcement Association, Kern County Probation Managers’ Association, Kern County Probation Officers’ Association, Kern County Prosecutors’ Association, Kern County Sheriff Command Association, Kern County Sheriff Command Association II, Service Employees’ International Union Local 521, Union of American Physicians and Dentists (Government Code Section 54957.6) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION
22) Request for Closed Session regarding public employee performance evaluation - Title: Interim Board of Trade Executive Director (Government Code Section 54957) - NO REPORTABLE ACTION TAKEN

23) Request for Closed Session regarding public employee appointment - Title: Acting Interim Board of Trade Executive Director (Government Code Section 54957) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

COUNTY COUNSEL


25) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION Significant exposure to litigation pursuant to subdivision (b)(1) of Government Code Section 54956.9: (One potential case) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

26) Request for Closed Session regarding a lawsuit entitled In re Municipal Derivatives Antitrust Litigation, MDL No. 1950, Master Civil Action 08-2516 (S.D.N.Y.) (Government Code Section 54956.9 (a)) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

27) Request for Closed Session regarding a lawsuit or proceeding formally initiated; the title is not disclosed because to do so could jeopardize settlement negotiations or jeopardize the ability to effectuate service of process upon one or more unserved parties (Government Code Section 54956.9(a)) - SEE RESULTS OF CLOSED SESSION AT BEGINNING OF 2:00 P.M. SESSION

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

Watson-Goh

/s/ Kathleen Krause
Clerk of the Board

/s/ Zack Scrivner
Chairman, Board of Supervisors